



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 21st December, 2011:—

BILL No. 130 OF 2011

A Bill to declare the institution known as the Rajiv Gandhi National Institute of Youth Development, to be an institution of national importance and to provide for its incorporation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Rajiv Gandhi National Institute of Youth Development Act, 2011.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement

Declaration
of Rajiv
Gandhi
National
Institute of
Youth
Development
as an
institution of
national
importance.
Definitions.

2. Whereas the objects of the institution known as the Rajiv Gandhi National Institute of Youth Development are such as to make the institution one of national importance, it is hereby declared that the institution known as the Rajiv Gandhi National Institute of Youth Development is an institution of national importance.

3. In this Act, unless the context otherwise requires,—

- (a) "Academic Council" means the Academic Council of the Institute;
- (b) "appointed day" means the date appointed under sub-section (2) of section 1 for coming into force of this Act;
- (c) "Chairperson" means a Chairperson to the Executive Council referred to in clause (a) of sub-section (2) of section 12;
- (d) "Director" means the Director of the Institute referred to in clause (a) of section 21;
- (e) "Executive Council" means the Executive Council of the Institute established under section 12;
- (f) "existing Institute" means the Rajiv Gandhi National Institute of Youth Development, Sriperumbudur, established under the provisions of the Society Registration Act, 1860 and declared as deemed to be a University under section 3 of the University Grants Commission Act, 1956, and which is in existence immediately before the commencement of this Act; 21 of 1860.
3 of 1956.
- (g) "Fund" means the fund of the Institute to be maintained under section 26;
- (h) "Institute" means the Rajiv Gandhi National Institute of Youth Development incorporated under section 4;
- (i) "notification" means the notification published in the Official Gazette;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "Registrar" means the Registrar of the Institute referred to in section 23;
- (l) "Statutes" and "Ordinances" mean the Statutes and Ordinances of the Institute made under this Act.

CHAPTER II

THE RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT

Incorporation
of Institute.

4. (1) The Rajiv Gandhi National Institute of Youth Development shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

(2) The first Chairperson, the first Director and the first members of the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the Institute.

(3) The headquarters of the Institute shall be in the district of Kanchipuram, in the State of Tamil Nadu.

(4) The Institute may establish and maintain centres at such other places in India as it may deem fit.

5. On and from the appointed day and subject to other provisions of this Act,—

Effect of
establishment
of institute.

(a) any reference to the existing Institute in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all property, movable and immovable, of or belonging to the existing Institute shall vest in the Institute;

(c) all rights and liabilities of the existing Institute shall be transferred to, and be the rights and liabilities of, the Institute; and

(d) every person employed by the existing Institute immediately before the appointed day shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute a compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

6. The objects of the Institute shall be,—

Objects of
Institute.

(a) to evolve and achieve an integrated approach to youth development;

(b) to establish a National Youth Resource Centre;

(c) to provide for research and development and dissemination of knowledge through extension and outreach programmes;

(d) to act as a nodal agency for capacity building of stakeholders including youth bodies, organisations and agencies relating to youth;

(e) to empower youth to participate in inclusive development and nation building;

(f) to evolve as an institute of advanced study in the field of youth and to develop such professional excellence as may be required for the purpose;

(g) to provide for higher education in the field of youth development through employment-oriented and inter-disciplinary courses at the post graduate level.

7. Without prejudice to the provisions contained in section 6, the Institute shall,—

Functions of
Institute.

(a) develop a "think tank" by way of carrying out policy research, evaluation and impact analysis on youth programmes and issues of contemporary and future relevance;

(b) function as a repository of knowledge pertaining to data on youth;

(c) develop documentation, information and publication services for youth training and extension;

(d) provide technical advice and consultancy for formulation of youth related policy and promotion of youth programme;

(e) build the professional capacity of youth organisations, both in Government and voluntary sector;

(f) design, develop and conduct appropriate training and orientation programmes;

(g) conduct seminars, workshops and conferences on issues relating to youth;

(h) set up centres for dissemination of academic and training programmes;

(i) collaborate with national and international university, centres, institutes and such other agencies relating to youth training and youth development;

(j) establish programmes of study and research and to provide for instruction in such branches of study as the institute deems appropriate;

(k) award, subject to such conditions as the Institute may determine, degrees, diplomas, certificates or other academic distinctions or titles at various academic levels;

(l) confer honorary degrees or other distinction awards, fellowships, scholarships, prizes and medals;

(m) determine, demand and receive fees and other charges for its courses, programmes and other matters;

(n) conduct and coordinate projects and studies relating to youth sponsored by the Government of India and other developmental agencies;

(o) create with the prior approval of the Central Government, academic, technical, administrative, managerial and other posts in the Institute and make appointments thereto in accordance with the rules and regulations of the Institute;

(p) regulate the conduct of the affairs of the Institute;

(q) supervise and control the discipline of all categories of employees and students of the Institute;

(r) purchase, hire, lease, exchange or acquire property, movable or immovable and to construct, alter and maintain any building or buildings as may be necessary;

(s) to undertake, assist and promote all such activities conducive or incidental to the attainment of the objectives.

Institute to be open to all races, creeds, gender and classes.

8. (1) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, physical ability, and no test or condition shall be imposed as to religious belief or profession in admitting students, appointing teachers or employees or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute which in the opinion of the Executive Council involves conditions or obligations opposed to the spirit and object of this section.

Teaching at Institute.

9. All teaching and other academic activities at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf.

Visitor.

10. (1) The President of India shall be the Visitor of the Institute:

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions within reasonable time.

CHAPTER III

AUTHORITIES OF THE INSTITUTE

11. The Institute shall consist of the following authorities, namely:—

Authorities of
Institute.

- (a) the Executive Council;
- (b) the Academic Council; and
- (c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

12. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purpose of this Act, a central body to be called as the Executive Council.

Establishment
of Executive
Council.

(2) The Executive Council shall consist of the following members, namely:—

- (a) an eminent person of academic repute to be nominated by the Visitor—Chairperson;
- (b) an eminent person in the field of Youth Development to be nominated by the Visitor—Vice-Chairperson;
- (c) Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member;
- (d) Joint Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member;
- (e) Director, Rajiv Gandhi National Institute of Youth Development—*ex officio* Member;
- (f) Joint Secretary and Financial Adviser, Ministry of Youth Affairs and Sports—*ex officio* Member;
- (g) Professor from Rajiv Gandhi National Institute of Youth Development on rotation—Member;
- (h) one eminent sports personality to be nominated by the Central Government—Member;
- (i) one Head from an Academic Institution to be nominated by the Central Government—Member;
- (j) one representative from the industry to be nominated by the Central Government from the Federation of Indian Chamber of Commerce and Industry or Confederation of Indian Industry by the Central Government—Member;
- (k) the Registrar, Rajiv Gandhi National Institute of Youth Development—Member-Secretary.

(3) While nominating the members of the Executive Council under sub-section (2) due representation shall be given to women, different regions of the country, and weaker sections of the community and differently abled persons.

13. (1) The term of office of every member of the Executive Council shall be for a period of three years from the date of his nomination:

Provided that the term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

Terms of office
of, vacancies
among, and
allowances
payable to
members of
Executive
Council.

(2) The term of office of a member nominated to fill a casual vacancy shall be for the remainder of the term of the member in whose place he has been nominated.

(3) Notwithstanding anything contained in this section, an out-going member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place or until the expiry of one year, whichever is earlier.

(4) The members of the Executive Council, other than *ex officio* members, shall be paid such travelling and other allowances as may be provided by the Statutes.

Meetings of
Executive
Council.

14. (1) The Chairperson shall ordinarily preside at the meetings of the Executive Council and at the Convocation of the Institute:

Provided that, in his absence, the Vice-Chairperson of the Executive Council shall preside at the meetings of the Executive Council.

(2) It shall be the duty of the Chairperson to ensure that the decisions taken by the Executive Council are implemented.

(3) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him by this Act.

(4) The Executive Council shall meet at least four times in a year and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Powers and
functions of
Executive
Council.

15. (1) Subject to the provisions of this Act, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall also exercise the powers of the Institute not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Academic Council and Finance Committee.

(2) Without prejudice to the provisions of sub-section (1), the Executive Council shall—

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) lay down policy regarding the duration of the courses, nomenclature of the degrees and other distinctions to be conferred by the Institute;

(c) institute courses of study and lay down standards of proficiency and other academic distinctions in respect of the courses offered by the Institute;

(d) lay down, with prior approval of the Central Government, the policy regarding the cadre structure, qualification, the method of recruitment and conditions of service of the teaching and research faculty as well as other employees of the Institute;

(e) guide resource mobilisation of the Institute and to lay down policies for utilisation;

(f) consider and approve proposals for taking loans for purposes of the Institute with or without the security of the property of the Institute;

(g) make Statutes and to alter, modify or rescind the same;

(h) consider and pass resolutions on annual report, annual accounts and the budget estimates of the Institutes for the next financial year as it thinks fit together with a statement of its development plans; and

(i) do all such things, not specifically covered under clauses (a) to (h), as may be necessary, incidental or conducive to the attainment of all or any of the powers under this section.

(3) The Executive Council shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) The Executive Council may, by a specific resolution to this effect, delegate any of its powers and duties to the Chairperson, Director, any officer or any authority of the Institute subject to reserving the right to review the action that may be taken under such delegated authority.

16. (1) The Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the Institute.

Academic Council.

(2) The constitution of the Academic Council, the term of office of its members and its powers shall be such as may be provided by the Statutes.

(3) While nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

17. Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall have the control and general regulation, and be responsible for the framing of the Ordinances, maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Functions of Academic Council.

18. (1) There shall be a Finance Committee of the Institute which shall be the principal financial body of the Institute.

Finance Committee.

(2) The constitution of the Finance Committee, the term of office of its members and its powers shall be such as may be provided by the Statutes.

(3) While nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

19. The Finance Committee shall perform the following functions, namely:—

Functions of Finance Committee.

(a) to scrutinise the accounts and budget estimates of the Institute and to make recommendations to the Executive Council;

(b) to scrutinise the proposals for new expenditure on account of major works on purchases;

(c) to scrutinise re-appropriation statements and audit notes and make recommendations thereon to the Executive Council;

(d) to review the finances of the Institute from time to time and have concurrent audit conducted whenever necessary; and

(e) to give advice and make recommendations to the Executive Council on any financial questions affecting the affairs of the Institute.

20. The constitution, powers and functions of the other authorities, as may be declared by the Statutes to be authorities of the Institute, shall be such as may be provided by the Statutes.

Other authorities.

CHAPTER IV

OFFICERS OF THE INSTITUTE

21. The Institute shall consist of the following officers, namely:—

Officers of Institute.

(a) the Director;

(b) the Registrar; and

(c) such other officers as may be declared by the Statutes to be the officers of the Institute.

Director.

22. (1) The Director of the institute shall be appointed by the Visitor for a period of three years in the manner specified in sub-sections (2) and (3) on such terms and conditions of service as may be provided by the Statutes:

Provided that the first Director shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding six months from the appointed day.

(2) The Director shall be appointed by the Visitor from a panel of three persons with outstanding academic qualifications as recommended by a Search Committee constituted by the Central Government for that purpose.

(3) The Search Committee referred to in sub-section (2) shall consist of three members, one each to be nominated by the Executive Council, the Central Government and the Visitor.

(4) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for imparting of instruction and maintenance of discipline therein.

(5) The Director shall submit annual reports and accounts to the Executive Council.

(6) The Director shall exercise such other powers and perform such other duties as may be assigned to him by the Act, the Statutes and the Ordinances.

Registrar.

23. (1) The Registrar of the Institute shall be appointed in such manner and on such terms and conditions as may be provided by the Statutes and shall be the custodian of records, common seal, the funds of the Institute and such other property of the Institute as the Executive Council shall commit to his charge.

(2) The Registrar shall act as the Member-Secretary of the Executive Council, the Academic Council and such committees as may be provided by the Statutes.

(3) The Registrar shall be responsible to the Director for the proper discharge of his functions.

(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes or by the Director.

Other officers.

24. The manner of appointment, emoluments, powers and duties of the other officers of the Institute shall be such as may be provided by the Statutes.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Grants by Central Government.

25. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Act.

Fund of Institute.

26. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all monies provided by the Central Government;

(b) all fees and other charges levied and collected by the Institute;

(c) all monies received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all monies received by the Institute in any other manner or from any other source.

(2) All monies credited to the Fund shall be deposited in such banks or invested in such manner as may be decided by the Executive Council.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

27. Without prejudice to the provisions contained in section 26, the Institute may,—

(a) set up an endowment fund with an amount of one hundred crore rupees to be maintained in the Public Account and any other fund for a specified purpose; and

Endowment
or other
funds.

(b) transfer monies from its fund to the endowment fund or any other fund.

28. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

29. (1) The Institute shall constitute for the benefits of its employees, including the Director, such pension, insurance and provident fund scheme as it may deem fit, in such manner and subject to such conditions as may be provided by the Statutes.

Pension and
provident
fund.

(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

30. All appointments of the staff of the Institute, except that of the Director, shall be made with prior approval of the Central Government and in accordance with the procedure laid down in the Statutes,—

Appointment
of staff of
Institute.

(a) by the Executive Council, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of an Assistant Professor; and

(b) by the Director, in any other case.

31. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to
make
Statutes.

(a) the formation of departments of teaching and other academic units;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification of posts, terms of office, method of appointment, powers and duties and other terms and conditions of service of the officers of the Institute including the Chairperson, the Director, the Registrar and such other officers as may be declared as officers of the Institute by the Statutes;

(d) the constitution, powers and duties of the authorities of the Institute referred in clause (c) of section 11;

(e) the delegation of powers vested in the authorities or officers of the Institute;

(f) the code of conduct, disciplinary actions thereto for misconduct including removal from service of employees on account of misconduct and the procedure for appeal against the actions of an officer or authority of the Institute;

(g) the conferment of honorary degrees;

(h) the establishment and maintenance of halls, residences and hostels;

(i) the authentication of the orders and decisions of the Executive Council;

(j) any other matter which by this Act is to be, or may be, provided by the Statutes.

Statutes how
to be made.

32. (1) The first Statutes of the Institute shall be framed by the Central Government with the approval of the Visitor, and a copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament.

(2) Without prejudice to the provisions contained in sub-section (1), the Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold such assent or remit it to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

Power to
make
Ordinances.

33. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:—

(a) the admission of the students to the Institute;

(b) the reservation in admission to various courses or programmes of the Institute for the Scheduled Castes, the Scheduled Tribes and other categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates awarded by the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and the eligibility conditions for awarding the same;

(e) the conditions of award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and manner of appointment and duties of examining bodies, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study in the Institute and for admission

to the examinations of degrees of the Institute;

(j) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and of other charges; and

(k) any other matter which by this Act or the Statute is to be, or may be, provided by the Ordinances.

34. (1) Save as otherwise provided in this section, Ordinances shall be made by the Academic Council.

Ordinances
how to be
made.

(2) All Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Executive Council and shall be considered by the Executive Council at its next succeeding meeting.

(3) The Executive Council shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

35. The authorities of the Institute may have their own rules of procedure, consistent with the provisions of this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Conduct of
business by
authorities of
Institute.

36. (1) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

Tribunal of
Arbitration.

(2) The decision of the Tribunal shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter, which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

CHAPTER VI

MISCELLANEOUS

37. No act of the Institute or Executive Council or Academic Council or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

Acts and
proceedings
not to be
invalidated by
vacancies.

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the election, nomination or appointment, of a person acting as member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

38. Notwithstanding anything contained in the University Grants Commission Act, 1956 or any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act:

Grant of
degrees, etc.,
by Institute.

Provided that the nomenclature of any degree to be granted by the Institute shall be notified by the University Grants Commission with the prior approval of the Central Government.

Sponsored schemes.

39. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme, a consultancy assignment, a teaching programme or a chaired professorship or a scholarship, to be executed or endowed at the Institute,—

(a) the amount received shall be kept by the Institute separately from the fund of the Institute and utilised only for the purpose of the scheme:

Provided that any money remaining unutilised under this clause shall be transferred to the endowment fund set up under section 27; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation with prior approval of the Central Government:

Provided that the principles laid down in the General Financial Rules, 2005 shall be followed for approval of sponsored schemes funded by the Central Government.

Meetings of Academic Council and Finance Committee.

40. The Academic Council and the Finance Committee shall meet at such times and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Power of Central Government to give directions to Institute.

41. (1) The Central Government may give such directions, as it may deem necessary, to the Institute for the effective administration of this Act and the Institute shall comply with such directions.

(2) In case of dispute between the Institute and the Central Government, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, the decision of the Central Government on that dispute, shall be final.

Protection of action taken in good faith.

42. No suit or other legal proceedings shall lie against any officer or employee of the Institute for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Power to make rules.

43. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which the books of account of the Institute shall be maintained under sub-section (1) of section 28;

(b) any other matter which is required to be, or may be, prescribed.

Statutes, Ordinances and notifications to be published in Official Gazette and to be laid before Parliament.

44. (1) Every rule made by the Central Government and every Statute and every Ordinance made or notification issued under this Act shall be published in the Official Gazette.

(2) Every rule made by the Central Government, every Statute and every Ordinance made or notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or notification or both Houses agree that the Statute, Ordinance or notification should not be made or issued, the Statute, Ordinance or notification shall thereafter have effect only in such modified form

or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or notification.

(3) The power to make the Statutes, Ordinances or notifications shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances, notifications or any of them but no retrospective effect shall be given to any Statute, Ordinance or notification so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or notification may be applicable.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

46. Notwithstanding anything contained in this Act,—

Transitional
provisions.

(a) the Advisory Board and the Executive Council of the existing Institute functioning as such immediately before the commencement of this Act shall continue to so function until an Executive Council is constituted for the Institute under this Act, but on the constitution of a new Executive Council under this Act, the members of the Advisory Board and Executive Council holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the Statutes and the Ordinances of the existing Institute, or notification as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Rajiv Gandhi National Institute of Youth Development was established at Sriperumbudur in the State of Tamil Nadu in March, 1993 by the Government of India as a Society registered under the Societies Registration Act, 1860 with an objective of undertaking advanced study and applied research in the field of youth related activities and to function as a resource agency for youth programmes, policies and implementation strategies.

2. The Rajiv Gandhi National Institute of Youth Development is an autonomous organisation under the Ministry of Youth Affairs and Sports and is fully funded by the Government of India. The said Institute is the nodal agency for youth training, youth work and youth development in the country for rural and urban youth. The Institute is also functioning as a Centre for documentation, information and publication pertaining to youth development and provides institutional training for the personnel working in the field of youth.

3. The University Grants Commission team visited the Institute on the 3rd and 4th September 2008, and recommended for conversion of the Rajiv Gandhi National Institute of Youth Development as a Deemed-to-be University under section 3 of the University Grants Commission Act, 1956. Accordingly, the Ministry of Human Resource Development issued a notification on the 23rd October, 2008 granting the Institution Deemed-to-be University status under the University Grants Commission Act, 1956.

4. The National Youth Commission Report, 2002, commissioned by the Government of India, highlighted that the Rajiv Gandhi National Institute of Youth Development as the premier National Institute should offer academic courses and research facilities for the youth programmes and functionaries so that there would be cadre of competent professionals for youth development. The Planning Commission in its 11th Five Year Plan Report advised that the Rajiv Gandhi National Institute of Youth Development should be developed as an apex institution with the status of National Youth University in the country.

5. The Ministry of Youth Affairs and Sports constituted a Mentor Group on the 28th March, 2011 with the terms of reference to convert the Rajiv Gandhi National Institute of Youth Development at Sriperumbudur into an institution of national importance by an Act of Parliament. While examining the functioning of the existing Institute, the Mentor Group recommended that the conversion of the present Institute into an institution of national importance was imperative for addressing the vital needs and challenges of youth development in the country.

6. In view of the above, it has been proposed to make a legislation titled as the "Rajiv Gandhi National Institute of Youth Development Bill, 2011" which, *inter alia*, provides for the following, namely:—

(a) declare the Rajiv Gandhi National Institute of Youth Development as an Institution of national importance;

(b) incorporate the Rajiv Gandhi National Institute of Youth Development and to transfer all properties, rights and liabilities of the existing Institute to the Rajiv Gandhi National Institute of Youth Development;

(c) the Institute shall discharge the following objects and functions, namely:—

(i) to evolve as an Institute of advanced study in the field of youth and achieve an integrated approach to youth development;

(ii) to undertake action and applied research in the field of youth related activities;

(iii) to empower youth to participate in inclusive development and nation building;

(iv) to provide for higher education in the field of youth development through employment-oriented and inter-disciplinary courses at the post graduate level;

(v) to carry out policy research, evaluation and impact analysis on youth programmes and issues of contemporary and future relevance;

(vi) to function as a repository of knowledge pertaining to data on youth;

(vii) to build the professional capacity of youth organisations, both in Government and voluntary sector;

(d) the Institute shall be open to all races, creeds, gender and classes;

(e) the President of India shall be the Visitor of the Institute;

(f) the authorities of the Institute shall be the Executive Council, the Academic Council and such other authorities as may be declared by the Statutes;

(g) the Officers of the Institute shall be the Director, the Registrar and such other officers as may be declared by the Statute;

(h) the Statutes of the Institute shall be made by the "Executive Council";

(i) the Ordinances of the Institute shall be made by the "Academic Council";

(j) refer the disputes between the Institute and its employees to a "Tribunal of Arbitration" for resolution.

7. The notes on clauses explain in detail the various provisions contained in the Bill.

8. The Bill seeks to achieve the above objects.

NEW DELHI;
The 15th December, 2011.

AJAY MAKEN.

Notes on Clauses

Clause 1.—This clause relates to the short title, and commencement of the proposed legislation. This clause enables the Central Government to appoint a date with respect to the commencement of the proposed legislation.

Clause 2.—This clause relates to the declaration of Rajiv Gandhi National Institute of Youth Development as an institution of national importance.

This clause provides a declaration that the objects of the institution known as the Rajiv Gandhi National Institute of Youth Development are such as to make the institution one of national importance.

Clause 3.—This clause defines certain expressions used in the Bill.

Clause 4.—This clause relates to incorporation of the Rajiv Gandhi National Institute of Youth Development.

Sub-clause (1) of this clause provides that the Rajiv Gandhi National Institute of Youth Development shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Sub-clause (2) of this clause provides that the first Chairperson, the first Director and the first members of the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the Institute.

Sub-clause (3) of this clause provides that the headquarters of the Institute shall be in the district of Kanchipuram, in the State of Tamil Nadu.

Sub-clause (4) of this clause provides that the Institute may establish and maintain centres at such other places in India as it may deem fit.

Clause 5.—This clause relates to effect of the establishment of Institute.

This clause provides that on and from the appointed day and subject to other provisions of this Legislation, any reference to the existing Institute in any contract or other instrument shall be deemed as a reference to the Institute; all property, movable and immovable, of or belonging to the existing Institute shall vest in the Institute; all rights and liabilities of the existing Institute shall be transferred to, and be the rights and liabilities of, the Institute; and every person employed by the existing Institute immediately before the appointed day shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Legislation had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes. However, if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute a compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Clause 6.—This clause relates to the objects of the Institute.

This clause provides that the objects of the Institute shall, *inter alia*, be (a) to evolve and achieve an integrated approach to youth development; (b) to establish a National Youth Resource Centre; (c) to provide for research and development and dissemination of knowledge through extension and outreach programmes; (d) to act as a nodal agency for capacity building of stakeholders including youth bodies, organisations and agencies relating

to youth; (e) to empower youth to participate in inclusive development and nation building, etc.

Clause 7.—This clause relates to functions of the Institute.

This clause provides that without prejudice to the provisions contained in clause 6, the Institute, *inter alia*, shall develop a "think tank" by way of carrying out policy research, evaluation and impact analysis on youth programmes and issues of contemporary and future relevance; function as a repository of knowledge pertaining to data on youth; provide technical advice and consultancy for formulation of youth related policy and promotion of youth programme; build the professional capacity of youth organisations, both in Government and voluntary sector; design, develop and conduct appropriate training and orientation programmes; set up centres for dissemination of academic and training programmes; collaborate with national and international university, centres, institutes and such other agencies relating to youth training and youth development; regulate the conduct of the affairs of the Institute.

Clause 8.—This clause relates to Institute to be open to all races, creeds, gender and classes.

This clause provides that the Institute shall be open to persons of either sex, and of whatever race, creed, caste or class, etc.

Clause 9.—This clause relates to teaching at Institute.

This clause provides that all teaching at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances.

Clause 10.—This clause relates to the Visitor of the Institute.

This clause provides that the President shall be the Visitor of the Institute who shall in that capacity appoint one or more persons to review the work and progress of the Institute and to hold inquiries into its affairs and to report thereon and upon receiving report may take action and issue direction.

Clause 11.—This clause relates to authorities of the Institute.

This clause provides that the Institute shall consist of the Authorities such as the Executive Council; the Academic Council and such other authorities as may be declared by the Statutes.

Clause 12.—This clause relates to establishment of Executive Council.

Sub-clause (1) of this clause provides that with effect from such date as the Central Government may, by notification appoint in this behalf, there shall be established for the purpose of this Legislation, a central body to be called as the Executive Council.

Sub-clause (2) of this clause provides that the Executive Council shall, *inter alia*, consist of an eminent person of academic repute to be nominated by the Visitor—Chairperson; an eminent person in the field of Youth Development to be nominated by the Visitor—Vice-Chairperson; Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member; one eminent sports personality to be nominated by the Central Government—Member one Head from an Academic Institution to be nominated by the Central Government—Member; one representative from the industry to be nominated by the Central Government from the Federation of Indian Chamber of Commerce and Industry or Confederation of Indian Industry by the Central Government—Member; the Registrar, Rajiv Gandhi National Institute of Youth Development—Member-Secretary, etc.

Sub-clause (3) of this clause provides that while nominating the members of the Executive Council under sub-clause (2), due representation shall be given to women, different regions of the country, and weaker sections of the community and differently abled persons.

Clause 13.—This clause relates to terms of office of, vacancies among, and allowances payable to members of Executive Council.

This clause provides the terms of office of the Chairperson and other Members of the Executive Council and filling of its vacancies and allowances payable to the Members.

Clause 14.—This clause relates to meetings of the Executive Council.

Sub-clause (1) of this clause provides that the Chairperson shall ordinarily preside at the meetings of the Executive Council and at the Convocation of the Institute. However, in his absence, the Vice-Chairperson of the Executive Council shall preside at the meetings of the Executive Council.

Sub-clause (2) of this clause provides that it shall be the duty of the Chairperson to ensure that the decisions taken by the Executive Council are implemented.

Sub-clause (3) of this clause provides that the Chairperson shall exercise such other powers and perform such other duties as are assigned to him by this Legislation.

Sub-clause (4) of this clause provides that the Executive Council shall meet at least four times in a year and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Clause 15.—This clause relates to powers and functions of the Executive Council.

Sub-clause (1) of this clause provides that subject to the provisions of this Legislation, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall also exercise the powers of the Institute not otherwise provided for by this legislation, the Statutes and the Ordinances, and shall have the power to review the acts of the Academic Council and Finance Committee.

Sub-clause (2) of this clause provides that without prejudice to the provisions of sub-clause (1), the Executive Council, *inter alia*, take decisions on questions of policy relating to the administration and working of the Institute; lay down policy regarding the duration of the courses, nomenclature of the degrees and other distinctions to be conferred by the Institute; institute courses of study and lay down standards of proficiency and other academic distinctions in respect of the courses offered by the Institute; guide resource mobilisation of the Institute and to lay down policies for utilisation, etc.

Sub-clause (3) of this clause provides that the Executive Council shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this legislation.

Sub-clause (4) of this clause provides that the Executive Council may, by a specific resolution to this effect, delegate any of its powers and duties to the Chairperson, Director, any officer or any authority of the Institute subject to reserving the right to review the action that may be taken under such delegated authority.

Clause 16.—This clause relates to the Academic Council.

Sub-clause (1) of this clause provides that the Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this legislation, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the Institute.

Sub-clause (2) of this clause provides that the constitution of the Academic Council, the term of office of its members and its powers shall be such as may be provided by the Statutes.

Sub-clause (3) of this clause provides that while nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

Clause 17.—This clause relates to functions of the Academic Council.

This clause provides that subject to the provisions of this Legislation, the Statutes and the Ordinances, the Academic Council shall have the control and general regulation, and be responsible for the framing of the Ordinances, maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Clause 18.—This clause relates to Finance Committee of the Institute.

Sub-clause (1) of this clause provides that there shall be a Finance Committee of the Institute which shall be the principal financial body of the Institute.

Sub-clause (2) of this clause provides that the constitution of the Finance Committee, the term of office of its members and its powers shall be such as may be provided by the Statutes.

Sub-clause (3) of this clause provides that while nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

Clause 19.—This clause relates to functions of the Finance Committee.

This clause provides that the Finance Committee shall, *inter alia*, perform the functions to scrutinise the accounts and budget estimates of the Institute and to make recommendations to the Executive Council; to scrutinise the proposals for new expenditure on account of major works on purchases; to give advice and make recommendations to the Executive Council on any financial questions affecting the affairs of the Institute, etc.

Clause 20.—This clause relates to other authorities of the Institute.

This clause provides that the constitution, powers and functions of the other authorities, as may be declared by the Statutes to be authorities of the Institute, shall be such as may be provided by the Statutes.

Clause 21.—This clause relates to officers of the Institute.

This clause provides that the Institute shall consist of the officers such as the Director; the Registrar and such other officers as may be declared by the Statutes.

Clause 22.—This clause relates to Director of the Institute.

Sub-clause (1) of this clause provides that the Director of the Institute shall be appointed by the Visitor for a period of three years in the manner specified in sub-clauses (2) and (3) on such terms and conditions of service as may be provided by the Statutes. However, the first Director shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding six months from the appointed day.

Sub-clause (2) of this clause provides that the Director shall be appointed by the Visitor from a panel of three persons with outstanding academic qualifications as recommended by a Search Committee constituted by the Central Government for that purpose.

(3) The Search Committee referred to in sub-clause (2) shall consist of three members, one each to be nominated by the Executive Council, the Central Government and the Visitor.

(4) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for imparting of instruction and maintenance of discipline therein.

Clause 23.—This clause relates to Registrar of the Institute.

Sub-clause (1) of this clause provides that the Registrar of the Institute shall be appointed in such manner and on such terms and conditions as may be provided by the Statutes and shall be the custodian of records, common seal, the funds of the Institute and such other property of the Institute as the Executive Council shall commit to his charge.

Sub-clause (2) of this clause provides that the Registrar shall act as the Member-Secretary of the Executive Council, the Academic Council and such committees as may be provided by the Statutes.

Sub-clause (3) of this clause provides that the Registrar shall be responsible to the Director for the proper discharge of his functions.

Clause 24.—This clause relates to other officers of the Institute.

This clause provides that the manner of appointment, emoluments, powers and duties of the other officers of the Institute shall be such as may be provided by the Statutes.

Clause 25.—This clause relates to grants by the Central Government.

This clause provides that the Central Government may pay, after due appropriation made by Parliament, grants to the Institute in order to enable it to discharge its functions.

Clause 26.—This clause relates to Fund of the Institute.

This clause provides for the maintenance of a Fund by the Institute and the Fund shall be applied towards meeting the expenses of the Institute.

Clause 27.—This clause relates to the endowment or other funds.

This clause provides that the Institute may set up an endowment fund with an amount of one hundred crore rupees to be maintained in the Public Account and any other fund for a specified purpose and transfer monies from its Fund to the endowment fund or any other fund.

Clause 28.—This clause relates to Accounts and Audits of the Institute.

This clause provides that the accounts and other relevant records of the Institute shall be maintained in the form specified by the Central Government in consultation with the Comptroller and Auditor-General of India by notification and the same shall be audited by the Comptroller and Auditor-General of India.

Clause 29.—This clause relates to pension and provident fund of the Institute.

This clause provides for the constitution of pension and provident funds for the benefit of the employees of the Institute.

Clause 30.—This clause relates to appointment of staff of Institute.

This clause provides that all appointments of the staff of the Institute, except that of the Director, shall be made with prior approval of the Central Government and in accordance with the procedure laid down in the Statutes.

Clause 31.—This clause relates to power to make Statutes.

This clause seeks to specify that the Statutes may provide the formation of departments of teaching and other academic units; the institution of fellowships, scholarships, exhibitions, medals and prizes; the constitution, powers and duties of the authorities of the Institute referred in clause 11; the delegation of powers vested in the authorities or officers of the Institute, etc.

Clause 32.—This clause relates to Statutes how to be made.

This clause provides for the procedure regarding framing of the First Statutes and making of new Statutes as well as their amendment and repeal.

Clause 33.—This clause relates to power to make Ordinances.

This clause seeks to specify that the Ordinances may provide for the admission of the students to the Institute; the courses of study to be laid down for all degrees and diplomas of the Institute; the conduct of examinations, the maintenance of discipline among the students of the Institute, etc.

Clause 34.—This clause relates to Ordinance how to be made.

Sub-clause (1) of this clause provides that the Ordinances shall be made by the Academic Council.

Sub-clause (2) of this clause provides that all Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Executive Council and shall be considered by the Executive Council at its next succeeding meeting.

Sub-clause (3) of this clause provides that the Executive Council shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Clause 35.—This clause relates to conduct of business by authorities of Institute.

This clause provides that the authorities of the Institute may have their own rules of procedure, consistent with the provisions of this Legislation, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this legislation, the Statutes or the Ordinances.

Clause 36.—This clause relates to Tribunal of Arbitration.

Sub-clause (1) of this clause provides that any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

Sub-clause (2) of this clause provides that the decision of the Tribunal shall be final and shall not be questioned in any court.

Sub-clause (3) of this clause provides that no suit or proceeding shall lie in any court in respect of any matter, which is required by sub-clause (1) to be referred to the Tribunal of Arbitration.

Sub-clause (4) of this clause provides that the Tribunal of Arbitration shall have power to regulate its own procedure.

Clause 37.—This clause relates to acts and proceedings not to be invalidated by vacancies.

This clause provides that the acts and proceedings of the Institute, or Executive Council or Academic Council or any other body of the Institute not to be invalidated by any vacancy, etc.

Clause 38.—This clause relates to grant of degrees, etc., by the Institute.

This clause provides that notwithstanding anything contained in the University Grants Commission Act, 1956 or any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this legislation. However, the nomenclature of any degree to be granted by the Institute shall be notified by the University Grants Commission with prior approval of the Central Government.

Clause 39.—This clause relates to sponsored schemes.

This clause provides that notwithstanding anything contained in this legislation, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme, a consultancy assignment, a teaching programme or a chaired professorship or a scholarship, to be executed or endowed at the Institute and the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme. However, any money remaining unutilised under this clause shall be transferred to the endowment fund set up under clause 27. This clause also provides that the staff

required to execute the sponsored schemes shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation with prior approval of the Central Government. However, the principles laid down in the General Financial Rules, 2005 shall be followed for approval of sponsored schemes funded by the Central Government.

Clause 40.—This clause relates to Meetings of Academic Council and Finance Committee.

This clause provides that the Academic Council and the Finance Committee shall meet at such times and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Clause 41.—This clause relates to Power of Central Government to give directions to Institute.

This clause provides that the Central Government may give such directions, as it may deem necessary, to the Institute for the effective administration of this legislation and the Institute shall comply with such directions.

(2) In case of dispute between the Institute and the Central Government, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, the decision of the Central Government on that dispute shall be final.

Clause 42.—This clause relates to protection of action taken in good faith.

No suit or other legal proceedings shall lie against any officer or employee of the Institute for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Clause 43.—This clause relates to Power of the Central Government to make rules.

This clause confers power upon the Central Government to make rules in respect of the rules specified in the said rules.

Clause 44.—This clause relates to Statutes, Ordinances and notifications to be published in the Official Gazette and to be laid before Parliament.

This clause provides that every rule made by the Central Government and every Statute and every Ordinance made or notification issued under this legislation shall be laid before each House of Parliament.

Clause 45.—This clause relates to Power to remove difficulties.

This clause empowers the Central Government to make, by order published in the Official Gazette, provisions for removal of difficulties in giving effect to the provisions of the proposed legislation. Such orders could be made only within two years from the date of the commencement of the proposed legislation.

Clause 46.—This clause relates to transitional provisions.

This clause provides that notwithstanding anything contained in this legislation the Advisory Board and the Executive Council of the existing Institute functioning as such immediately before the commencement of this legislation shall continue to so function until an Executive Council is constituted for the Institute under this legislation, but on the constitution of a new Executive Council under this legislation, the members of the Advisory Board and Executive Council holding office before such constitution shall cease to hold office and until the first Statutes and the Ordinances are made under this legislation, the Statutes and the Ordinances of the existing Institute, or notification as in force, immediately before the commencement of this legislation, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this legislation.

FINANCIAL MEMORANDUM

The Rajiv Gandhi National Institute of Youth Development is an autonomous organisation of the Ministry of Youth Affairs and Sports, registered as a Society under the Societies Registration Act, 1860 fully funded by the Government of India. The Institute was sanctioned grants-in-aid to the tune of Rs. 11.90 crores during the financial year 2011-12 for meeting its recurring and non-recurring expenditure.

2. Clause 25 of the Bill provides that for the purpose of enabling the Institute to discharge its functions efficiently under the proposed legislation, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit for being utilised.

3. Clause 26 of the Bill provides for the maintenance of a fund by the Institute and the Fund shall be applied towards meeting the expenses of the Institute.

4. Clause 27 of the Bill provides that the Institute may set up an endowment fund with an amount of one hundred crore rupees to be maintained in the Public Account and any other fund for a specified purpose and transfer monies from its Fund to the endowment fund or any other fund.

5. The expenditure would be met from the Consolidated Fund of India through the budgetary provision under the Department of Youth Affairs.

6. The Bill does not involve any other expenditure from the Consolidated Fund of India, both recurring and non-recurring.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 32 of the Bill empowers the Central Government, to frame, with the previous approval of the Visitor, the First Statutes of the Rajiv Gandhi National Institute of Youth Development. Sub-clause (2) of the said clause provides that the Executive Council may, from time to time, make new or additional Statutes or amend or repeal such Statutes. Sub-clause (3) of the said clause provides that a new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold such assent or remit it to the Executive Council for consideration. Sub-clause (4) of the said clause provides that a new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

2. Clause 33 of the Bill enumerates the matters in respect of which Ordinances of the Institute may be made by the Academic Council of the Institute. The Ordinances are subject to the provisions of the proposed legislation and the Statutes. The matters in respect of which Ordinances may be made, *inter alia*, include the admission of the students to the Institute, the courses of study to be laid down for all degrees and diplomas of the Institute; the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes, etc.

3. Sub-clause (1) of clause 34 of the Bill lays down the procedure as to how the Academic Council of the Institute shall make such Ordinances.

4. Sub-clause (1) of clause 43 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) enumerates the matters in respect of which such rules may be made. These matters shall include the form and manner in which the books of account of the Institute shall be maintained under sub-clause (1) of section 28 and any other matter which is required to be, or may be, prescribed.

5. The matters in respect of which the notification the first Statutes, the further Statutes or the Ordinances may be made are matters of administrative or procedural detail and it is not practicable to provide for them in the Bill itself.

6. The delegation of legislative powers is, therefore, of a normal character.

T.K. VISWANATHAN,
Secretary-General.